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*Admitted only in Maryland
*Admitted only in Virginia
*Practice limited to Federal Agencies

November 29, 2004

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Re: U.S. Utility Application
Appl. No.: 10/762,575; Filed: January 23, 2004
For: **Kit for Transvenously Accessing the
Pericardial Space Via the Right Atrium**
Inventors: Verrier *et al.*
Our Ref: 1565.0020003/MBR/GSB

Sir:

The following documents are forwarded herewith for appropriate action by the U.S. Patent and Trademark Office:


1. Information Disclosure Statement;
2. One (1) sheet of PTO Form-1449 listing one (1) reference document; and
3. One (1) return postcard.

It is respectfully requested that the attached postcard be stamped with the date of filing of these documents, and that it be returned to our courier. In the event that extensions of time are necessary to prevent abandonment of this patent application, then such extensions of time are hereby petitioned.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


George S. Bardmesser
Attorney for Applicants
Registration No. 44,020

MBR/GSB/mlb

Enclosures

318287.1.DOC

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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. //M.M./



THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Verrier *et al.*

Appl. No.: 10/762,575

Filed: January 23, 2004

For: **Kit for Transvenously Accessing
the Pericardial Space Via the
Right Atrium**

Confirmation No.: 3034

Art Unit: 3761

Examiner: (to be assigned)

Atty. Docket: 1565.0020003/MBR/GSB

Information Disclosure Statement

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

Listed on accompanying Form PTO-1449 are documents that may be considered material to the examination of this application, in compliance with the duty of disclosure requirements of 37 C.F.R. §§ 1.56, 1.97 and 1.98.

Applicants have listed publication dates on the attached PTO-1449 based on information presently available to the undersigned. However, the listed publication dates should not be construed as an admission that the information was actually published on the date indicated.

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent

- 2 -

Verrier *et al.*
Appl. No. 10/762,575

application does not exist. The Examiner is specifically requested not to rely solely on the material submitted herewith.

Applicants have checked the appropriate boxes below.

- ☐ 1. Statement under 37 C.F.R. 1.704(d). Each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this information disclosure statement.
- ☒ 2. Filing under 37 C.F.R. § 1.97(b). This Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits. No statement or fee is required.
- ☐ 3. Filing under 37 C.F.R. § 1.97(c). This Information Disclosure Statement is being filed more than three months after the U.S. filing date AND after the mailing date of the first Office Action on the merits, but before the mailing date of a Final Rejection, or Notice of Allowance, or an action that otherwise closes prosecution in the application.
- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).

- 3 -

Verrier *et al.*
Appl. No. 10/762,575

- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).
- ☐ c. Attached is our PTO-2038 Credit Card Payment Form in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p).
- ☐ 4. Filing under 37 C.F.R. § 1.97(d) This Information Disclosure Statement is being filed more than three months after the U.S. filing date and after the mailing date of a Final Rejection or Notice of Allowance, but before payment of the Issue Fee. Enclosed find our PTO-2038 Credit Card Payment Form in the amount of \$ _____ in payment of the fee under 37 C.F.R. § 1.17(p); in addition:
- ☐ a. Statement under 37 C.F.R. § 1.97(e)(1). I hereby state that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(1).
- ☐ b. Statement under 37 C.F.R. § 1.97(e)(2). I hereby state that no item of information in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign

- 4 -

Verrier *et al.*
Appl. No. 10/762,575

application and, to my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this Information Disclosure Statement. 37 C.F.R. § 1.97(e)(2).

- ☐ 5. All documents were cited in search reports by the European Patent Office in counterpart European applications.
- ☐ 6. A concise explanation of the relevance of the non-English language document(s) appears below.
- ☐ 7. Copies of the documents are submitted herewith.
- ☐ 8. Copies of the documents were cited by or submitted to the Office in an IDS that complies with 37 C.F.R. § 1.98(a)-(c) in Application No. _____, filed _____, which is relied upon for an earlier filing date under 35 U.S.C. § 120. Thus, copies of these documents are not attached. 37 C.F.R. § 1.98(d).
- ☒ 9. No copies of U.S. patents and patent application publications cited on the attached Form PTO-1449 are submitted in accordance with 1276 OG 55 because this application was filed after June 30, 2003.
- ☐ 10. It is expected that the examiner will review the prosecution and cited art in the parent application no(s). _____ in accordance with MPEP 2001.06(b), and indicate in the next communication from the office that the art cited in the earlier prosecution history has been reviewed in connection with the present application.

- 5 -


Verrier *et al.*
Appl. No. 10/762,575

It is respectfully requested that the Examiner initial and return a copy of the enclosed PTO-1449, and indicate in the official file wrapper of this patent application that the documents have been considered.

The U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 19-0036.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



George S. Badmesser
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Date: 11/29/04

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FORM PTO-1449 INFORMATION DISCLOSURE STATEMENT & TRADEMARKS		ATTY. DOCKET NO. 1565.0020003		APPLICATION NO. 10/762,575		Page 1 of 1	
		FIRST NAMED INVENTOR Verrier, Richard L.		FILING DATE January 23, 2004		ART UNIT 3761	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB-CLASS	FILING DATE
	AA1	5,190,528	03/1993	Fonger et al.	604	171	10/1990
	AB1						
	AC1						
	AD1						
	AE1						
	AF1						
	AG1						
	AH1						
	AI1						
	AJ1						
	AK1						
FOREIGN PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB-CLASS	TRANSLATION
	AL1						Yes
							No
	AM1						Yes
							No
	AN1						Yes
							No
	AO1						Yes
							No
	AP1						Yes
							No
OTHER (Including Author, Title, Date, Pertinent Pages, etc.)							
	AR	1					
	AS	1					
	AT	1					
EXAMINER /Manuel Mendez/					DATE CONSIDERED 10/23/2003		
EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to Applicant.							